



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAS) No.95 OF 2024**  
**IN**  
**SECOND APPEAL No.181 OF 2018**

(Smt. Basanti w/o. Amrutlal Shahu Vs. Smt. Saraswatibai wd/o. Lalji Shahu and others)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

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Court's or Judge's orders.

Mr. P.V. Vaidya, Advocate for appellant.  
Mr. Yash Kullarwar h/f. Mr. M. Anilkumar, Advocate for  
respondent Nos.1 to 3.  
Mr. Shadam Khan h/f. Mr. Masood Shareef, Advocate for  
respondent No.5.

**CORAM :** **SANJAY A. DESHMUKH, J.**  
**DATE :** **23<sup>rd</sup> JULY, 2024.**

1. This is an application for framing additional  
substantial question of law.

2. This Court while issuing notice framed  
following substantial question of law.

Whether the appreciation of evidence  
by the Appellate Court while  
modifying decree passed by the trial  
Court is perverse ?

3. Learned Advocate for the appellant submits  
that the first Appellate Court has come in close quarters  
with the reasons given by the trial Court, in view of  
judgment of **Somakka Vs. K.P. Basavraj, 2022 DGLS (SC)**  
**667.**

4. Heard both sides.

5. Considering peculiar set of facts it would be proper to frame second additional substantial question of law as prayed by the appellant. Accordingly, following substantial question of law is framed.

“Whether the Appellate Court while modifying the judgment passed by the trial Court granting decree in favour of the original plaintiffs, came in close quarters with the reason given by the trial Court, specifically while differing with the findings given by the trial Court ?”

**SECOND APPEAL No.181 OF 2018.**

1. Hearing on second substantial question of law is also over on the part of both sides is also over.
2. Appeal is reserved for judgment.

**(SANJAY A. DESHMUKH, J.)**